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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CARNELLA M. MARKS
LA. DOC #300215

CIVIL ACTION NO. 11-114
SECTION P

VERSUS

JUDGE ROBERT G. JAMES

WAYNE EDWARDS, ET AL

MAG. JUDGE KAREN L. HAYES

RULING

On January 19, 2011, Plaintiff Carnella M. Marks (“Marks”), acting *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On April 24, 2011, Magistrate Judge Karen L. Hayes issued a report recommending that Marks’ petition be dismissed with prejudice as frivolous and for failing to state a claim upon which relief may be granted. A copy of this Report and Recommendation was forwarded to Marks at the Richland Parish Detention Center, the last known place of confinement. The Report and Recommendation was returned to the Clerk of Court on May 9, 2011, marked “RTS/unable to locate.”

Local Rule 41.3W, in pertinent part, provides:

The failure of an attorney or *pro se* litigant to keep the Court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the Court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

In the present case, the Magistrate Judge’s Report and Recommendation was returned to the Clerk of Court as undeliverable on May 9, 2011. Marks failed to advise the Court of her new address by June 8, 2011. The thirty day period within which Marks was required to notify the Court of her new address has expired.

Additionally, Marks has filed no pleadings or notices of change of address with the Court her February 18, 2011 letter.

Accordingly, for the foregoing reasons, together with the reasons stated in the Magistrate Judge's Report and Recommendation [Doc. No. 6], and determining that the findings are correct under the applicable law, the Court finds that Marks' civil rights action should be DISMISSED WITH PREJUDICE as frivolous and for failure to state a claim upon which relief may be granted under 28 U.S.C. § 1915 (d)(2)(B)(i) and (ii) and failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.3W.

MONROE, LOUISIANA, this 23 day of June, 2011.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE